

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

KEVIN BALSLY,

Plaintiff,

v.

CIVIL ACTION NO.: 3:11cv642

WEST MICHIGAN DEBT COLLECTIONS, INC,

and

STEVEN E. BRATSCHIE & ASSOCIATES, P.C.,

and

STEVEN E. BRATSCHIE,

and

MICHELE BORN-FISCHER,

Defendants.

**MOTION FOR SECOND EXTENSION OF TIME
TO RESPOND TO DEFENDANTS' MOTION TO DISMISS**

COMES NOW the Plaintiff, Kevin Balsly, by counsel, and moves the court to extend the time in which he may respond to the Defendants' Motion to Dismiss by one additional day. Mr. Balsly filed his original Complaint on September 27, 2011, (Docket #1). The Complaint was served on the Defendants on October 24, 2011. (Docket #3). The Defendants have not yet filed an Answer, but filed a Motion to Dismiss on November 14, 2011, arguing a lack personal jurisdiction or, in the alternative, that the court should stay the action based on abstention grounds. (Docket #4). The court has already granted one extension of time, making the

Plaintiff's response due today. However, circumstances¹ having nothing to do with the instant case have caused Plaintiff's lead counsel to be unable to file Plaintiff's response within the time granted by the court and, therefore, Plaintiff respectfully requests an additional day to respond to Defendants' motion. Counsel have engaged in settlement discussions, but have so far not reached a compromise.

This motion is made in good faith, has not been made for a dilatory purpose, and will not result in any prejudice to the Defendants. For these reasons, the Plaintiff requests the court grant his motion.

Respectfully Submitted,

Kevin Balsly,

/s/

Leonard A. Bennett
Virginia State Bar #37523
Gary L. Abbott, Esq.
Virginia State Bar #68829
Consumer Litigation Associates, PC
763 J. Clyde Morris Boulevard, Suite 1-A
Newport News, Virginia 23601
Telephone: (757) 930-3660
Facsimile: (757) 930-3662
lenbennett@cox.net
garyabbott9@msn.com

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

John R. Owen, Esq.
Danielle D. Giroux, Esq.
Attorneys for Defendants

¹ Plaintiff's lead counsel has been caring for his newborn child within the month.

Harman, Claytor, Corrigan & Wellman, P.C.
P.O. Box 70280
Richmond, VA 23255

/s/
Leonard A. Bennett
Attorney for Kevin Balsly
Consumer Litigation Associates, PC
763 J. Clyde Morris Boulevard, Suite 1-A
Newport News, Virginia 23601
Telephone: (757) 930-3660
Facsimile: (757) 930-3662